

REMARKS

Claims 1-20 were pending. By this Amendment, claims 1 and 14 are amended. Reconsideration and allowance of pending claims 1-20 in view of the following remarks is respectfully solicited.

The amendments to claims 1 and 14 are supported at least by originally filed claim 11, paragraph 17 of the specification, and FIG. 1.

Applicant initially notes that since disclosing German Patent Nos. 19840244 (Jahnel) and 1601499 in an Information Disclosure Statement on February 19, 2004, Applicant obtained English translations of these patents. While Applicant's original disclosure of these foreign language patents satisfied the Rule 56 disclosure requirement, Applicant nonetheless attaches these English translations hereto for the Examiner's reference.

Claims 14-20 were rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite. Specifically, the Examiner asserts that it is unclear whether the term "the aperture" in line 12 of claim 14 refers to the aperture in the first or second magnetic structure. As suggested by the Examiner, Applicant has amended claim 14 to clarify that the aperture in question is "the aperture of the second magnetic structure." Applicant submits that this amendment overcomes the indefiniteness rejection and respectfully requests the withdrawal of the indefiniteness rejection of claims 14-20.

Claims 1-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Jahnel. Applicant traverses these rejections for the following reasons.

Amended claims 1 and 14 recite, among other recitations, that "the first and second magnetic structures are disposed radially outwardly from the damping device." Jahnel discloses rods 6, 10, which are interior components of a larger damping device, but are not, themselves, a damping device. While Jahnel's magnets 12, 12', 13, 12' are disposed radially outwardly from these rods, 6, 10, the magnets 12, 12', 13, 12' are not disposed radially outwardly from a "damping device," as recited in amended claim 1. Applicant therefore requests withdrawal of the anticipation rejection of amended claims 1 and 14, as well as their dependent claims 2-13 and 15-20, which are allowable at least because they depend from allowable claims 1 or 14.

Claims 2 and 17 recite, among other recitations, that the system comprises "an outer structure adapted to receive and contain said damping device and said first and second magnetic structures." Jahnel discloses a housing 1 that forms an integral part of the air-filled damping device, itself, and cannot, therefore, "receive and contain said damping device," as

recited by claims 2 and 17. Applicant therefore requests the withdrawal of the anticipation rejection of claims 2 and 17, as well as their respective dependent claims 3-8 and 18-20, which are allowable at least because they depend from allowable claims 2 or 17.

Claims 4 and 18 recite, among other recitations, that "said outer structure is positioned in sliding engagement with the outer surfaces of said first and second magnetic structures." While the outer surface of one of Jahnel's magnets 12, 12' slides relative to the housing 1, the other magnets 13, 13' rigidly attach to the housing 1, and are not, therefore, "in sliding engagement with the outer surface," as recited in claim 4. Applicant therefore requests the withdrawal of the anticipation rejection of claims 4 and 18, as well as their respective dependent claim 5-7 and 19-20, which are allowable at least because they depend from allowable claims 4 or 18.

Claims 10 and 16 recite, among other recitations, that "said damping device comprises a strut." Jahnel does not teach or suggest such a combination of elements. Applicant therefore requests the withdrawal of the anticipation rejection of claims 10 and 16.

Having addressed all of the Examiner's rejections, Applicant submits that the present application is in condition for allowance, a notice of which is earnestly solicited.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
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Attachments: English Translations of German Patent Nos. 19840244 and 1601499